

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dim Njaka,

Plaintiff,
v.

**MEMORANDUM OPINION
AND ORDER**
Civil No. 04-4585 ADM/AJB

John E. Potter, Postmaster General,
United States Postal Service,

Defendant.

Dim Njaka, *pro se*.

The above-titled matter is before the undersigned United States District Judge on Plaintiff Dim Njaka's Motion for Extension of Time [Docket No. 87]. Njaka files his Motion pursuant to Federal Rule of Appellate Procedure 4(a)(5), which states that "[t]he district court may extend the time to file a notice of appeal if . . . that party shows excusable neglect or good cause." In his Motion, Njaka requests the time to file a notice of appeal be extended by six months so that he may have time to receive medical and vocational rehabilitation services from the Minnesota Department of Employment and Economic Development "that will enable him to physically fulfill his obligations during the appellate process and beyond."

Plaintiff's Motion is denied. Since the inception of this litigation, Plaintiff has repeatedly asked for extensions of time. See Magistrate Judge Arthur J. Boylan Order [Docket No. 76] ("In an effort to accommodate Njaka, this court has granted several continuances for hearings, deadlines, and memorandum due dates in this matter. On August 3, 2006, after granting Njaka's most recent request for a continuance, this court declared that no further extensions would be granted."). While the Court is sympathetic to Njaka's pain and injuries,

Njaka has been living with (and litigating) these injuries for many years, and his application for rehabilitation services does not constitute good cause for extending the notice of appeal deadline. Plaintiff's Motion is further denied to the extent he requests additional time so that he may supplement the record with new information learned from the rehabilitation services. Plaintiff's claims related to his injury and employment stem from events that occurred in the late 1980's and early 1990's, and consequently, any new information Plaintiff learns about his injury will not amplify the record.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that Plaintiff Dim Njaka's Motion for Extension of Time [Docket No. 87] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: October 26, 2006.